



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/617,083

07/10/2003

Pei-Yuan Lee

3507.2.11

3375

21552 7590 11/01/2007

MADSON & AUSTIN

15 WEST SOUTH TEMPLE

SUITE 900

SALT LAKE CITY, UT 84101

EXAMINER

LANDRUM, EDWARD F

ART UNIT

PAPER NUMBER

3724

MAIL DATE

DELIVERY MODE

11/01/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE



Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Application Number: 10/617,083  
Filing Date: July 10, 2003  
Appellant(s): LEE, PEI-YUAN

**MAILED**  
**NOV 1 - 2007**  
**GROUP 3700**

---

Pei-Yuan Lee  
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed 7/31/2007 appealing from the Office action mailed 6/16/2006.

**(1) Real Party in Interest**

A statement identifying by name the real party in interest is contained in the brief.

**(2) Related Appeals and Interferences**

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

**(3) Status of Claims**

The statement of the status of claims contained in the brief is correct.

**(4) Status of Amendments After Final**

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

**(5) Summary of Claimed Subject Matter**

The summary of claimed subject matter contained in the brief is correct.

**(6) Grounds of Rejection to be Reviewed on Appeal**

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

**(7) Claims Appendix**

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(8) Evidence Relied Upon**

2,149,268	Brennan, Daniel A.	03-1939
3,890,870	Van Cleave, Eugene	06-1975
4,466,322	Mori, Chuzo	08-1984

**(9) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

Claims 16-18 and 20-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brennan (2,149,268) in view of Van Cleave (3,890,870), or alternatively, Mori (4,466,322).

Brennan discloses main body 24, 18, 11; roller bearing 32; non-linear levering rod 27, 28, 19c in figure 8; force receiving portion 27; pivot portion adjacent element 29; bent portion slightly to the left of roller 32 along the levering rod as shown in figure 8; levering rod is linear between the pivot portion and the bent portion as shown in figure 8; levering rod is linear between the force receiving portion and the bent portion as shown in figure 8; rest state shown in figure 8; depressing force exerting portion 31; distance between the force-receiving portion and the bent portion is larger than the distance between the pivot portion and the bent portion as shown in the figures; roller bearing 32 rests on the main body when no external force is exerted on the force-receiving portion as shown in figure 8; bent portion has an angle from 145 degrees to 160 degrees as shown in figure 8.

Brennan does not disclose the levering rod between the force receiving portion and the bent portion is kept at a substantially horizontal level in a rest state.

Van Cleave discloses the levering rod between the force receiving portion and the bent portion is kept at a substantially horizontal level in a rest state in figure 1. It would have been obvious to provide the levering rod between the force receiving portion and the bent portion is kept at a substantially horizontal level in a rest state in Brennan

as taught by Van Cleave in order to apply the external force to the force-receiving portion in the same direction as the movement of the punching force. See column 3, lines 12-23, in Van Cleave.

Alternatively, Mori teaches the levering rod between the force receiving portion and the bent portion is kept at a substantially horizontal level in figure 11. It would have been obvious to provide the levering rod between the force receiving portion and the bent portion is kept at a substantially horizontal level in Brennan as taught by Mori in order to make the punch compact. See column 4, lines 17-45, in Mori.

#### **(10) Response to Argument**

In response to Appellants argument (Pages 5 and 6) that Brennan fails to teach the roller being situated between the bent portion and the pivot portion and the lever not being linear between the bent portion and the roller, Brennan clearly shows in Figure 8 that the roller can be position between the bent portion and the pivot portion. The lever is linear between the bent portion and the pivot portion, therefore making the lever linear between the roller and the bent portion. The referenced sections of the specification (Page 2, Col. 1, lines 17-36; Page 2, Col. 2, lines 29-40) of Brennan fail to teach the position of the roller with respect to the bent portion of the lever and therefore cannot teach towards or away from the location of the roller with respect to the bent portion found in Figure 8. Furthermore, just because the device of Brennan may be more prone to breaking does not mean that Brennan does not teach the claimed location of the roller. Lastly, portions of the specification relied upon are not found in the claims and therefore are not read into the claims.

In response to applicant's argument (Pages 7-9) that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the punching line being parallel to the non-linear levering rod) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Appellant has not claimed that punching line is parallel to the non-linear levering rod, therefore none of the applied references need to teach it. Appellant's admitted prior art (Figure 1) does appear to teach the levering rod being parallel to the punching line, therefore it seems as though it would be an obvious design choice to do so if necessary.

**(11) Related Proceeding(s) Appendix**

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

Art Unit: 3724

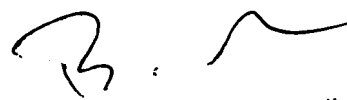
For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Edward F. Landrum



October 26, 2007



BOYER D. ASHLEY  
SUPERVISORY PATENT EXAMINER

Conferees:

Boyer D. Ashley, SPE 3700



Derris H. Banks, SPE 3700



DERRIS H. BANKS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3700

MADSON & AUSTIN

Gateway Tower West

15 West South Temple, Suite 900

Salt Lake City, Utah 84101